



Dallas City Council Agenda

Monday, January 3, 2011, 7:00 p.m.
 Mayor Brian Dalton, Presiding
 Dallas City Hall
 187 SE Court Street
 Dallas, Oregon 97338

City Council

Mayor
 Brian Dalton

Council President

Councilor
 Jim Fairchild

Councilor
 Beth Jones

Councilor
 Jackie Lawson

Councilor
 Mark McDonald

Councilor
 Kevin Marshall

Councilor
 Wes Scroggin

Councilor
 David Voves

Councilor
 LaVonne Wilson

Staff

City Manager
 Jerry Wyatt

Asst. City Manager
 Kim Marr

City Attorney
 Lane Shetterly

Community Development
 Director
 Jason Locke

Finance Director
 Cecilia Ward

Fire Chief
 Bill Hahn

Police Chief
 John Teague

Public Works Director
 Fred Braun

City Recorder
 Emily Gagner

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. SWEARING IN OF MAYOR AND RE-ELECTED AND NEWLY ELECTED COUNCILORS	
4. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
a. Election of Council President	Nomination/Election
b. Council seat vacancy	
c. Mayor's appointment of Council Standing Committees p. 3	Information
4. QUESTIONS OR COMMENTS FROM THE AUDIENCE	
5. PUBLIC HEARINGS	
<i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
6. CONSENT AGENDA	
<i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approval of December 6, 2010 City Council Minutes p. 5	
b. Appointment of Municipal Judge p. 9	
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS FROM CITY MANAGER AND STAFF	

Dallas City Council Agenda

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Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

*Commitment to the Community.
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

a. Appointments/reappointments to the Budget Committee, Park Board, Planning Commission, Economic Development Commission, Urban Renewal Advisory Committee **p. 10** Discussion

b. Other

9. RESOLUTIONS

a. Resolution No. 3214 – A Resolution establishing Park Hours **p. 12** Roll Call Vote

10. FIRST READING OF ORDINANCE

11. SECOND READING OF ORDINANCE

a. Ordinance No. 1732 – An Ordinance adding new provisions to Dallas City Code Chapter 5, relating to truancy. **p. 13** Roll Call Vote

12. OTHER BUSINESS

13. ADJOURNMENT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4 c	Topic: Council Standing Committee Appointments
Prepared By: Mayor Dalton	Meeting Date: January 3, 2011	Attachments: <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Discussion concerning the appointments of Council members to standing committees.

- (a) Committee on public works.
4th Monday, even months, 4:00 p.m.
 - i. Jim Fairchild, Chairperson
 - ii. Mark McDonald
 - iii. Kevin Marshall
 - iv. David Voves
 - v.
- (b) Committee on public safety.
4th Monday, even months, 4:00 p.m.
 - i. David Voves, Chairperson
 - ii. Mark McDonald
 - iii. Kevin Marshall
 - iv. Jim Fairchild
 - v.
- (c) Committee on public buildings and grounds.
4th Monday, odd months, 4:00 p.m.
 - i. Jackie Lawson, Chairperson
 - ii. LaVonne Wilson
 - iii. Beth Jones
 - iv. Wes Scroggin
- (d) Committee on public administration.
4th Monday, odd months, 4:00 p.m.
 - i. LaVonne Wilson, Chairperson
 - ii. Beth Jones
 - iii. Jackie Lawson
 - iv. Wes Scroggin

BACKGROUND:

DCC 2.050 Standing Committees.

(1) At the first regular meeting of the council in January of each year, or as soon thereafter as convenient, the Mayor shall appoint the following standing committees of the council:

- (a) Committee on public works.
- (b) Committee on public safety.
- (c) Committee on public buildings and grounds.
- (d) Committee on public administration.

(2) The membership of each committee shall be at the discretion of the mayor, except that each council member shall serve on not less than two committees. Each member of a committee shall hold office for one year and until a successor is appointed. If a vacancy occurs in a committee, the mayor, at the next succeeding regular meeting of the council, shall appoint a member of the council to fill the vacancy. A member so appointed shall hold office until the first regular meeting of the council in January of the year following the appointment and until a successor is duly appointed.

(3) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

(4) The proceedings of the committees shall be conducted as provided by Roberts Rules of Order.

(5) A majority of a quorum of a committee is sufficient to conduct committee business.

FISCAL IMPACT:

None

ATTACHMENTS:

None

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The Dallas City Council met in regular session on Monday, December 6, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Council President Brian W. Dalton presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council members present: Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor David Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Mayor Jim Fairchild.

Also present were: Student Body Liaison Courtney Pope, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

Council President Dalton led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Council President Dalton asked for questions or comments from the audience on items other than those on the agenda. He noted there would be a five minute limit for each speaker. He indicated the only event regarding the biomass facility was the presentation from the folks proposing the facility, adding there had been no application and the Council had taken no stand either way on the proposal. Council President Dalton commented that the action item on the agenda regarding the plan was to form a citizen advisory committee.

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center, stated Winterfest went very well. She indicated Friday night they had about 2,000 people participate. Saturday had a low turnout because of the Civil War game, but there were still a couple hundred people downtown. Ms. Pope thanked the Council for their support and commended the City staff for their assistance.

Miguel Ascarrunz discussed megawatt to watt conversions. He indicated the biomass plant would be run by a generator that would generate a lot of noise and heat. This type biomass plant had never been made in the United States. Mr. Ascarrunz stated he spoke to (Community Development Director) Mr. Locke who said this would not be a chemical plant. Mr. Ascarrunz asserted that it would be a chemical plant. He indicated he was merely defending his property.

Mark McDonald stated there were a couple issues that hadn't been brought out about the plant. He indicated he had concerns with the chemical analysis of the product that would be used to produce the gas. In his research he found it was a precursor to methanol so it is a concern to the citizens as far as environmental impact. One thing missing from the equation is the trucks that would be bringing the biomass product to the plant for processing. From his analysis, he estimated it would take 40-50 trucks per day to supply the plant. That would equate to about 700,000-900,000 miles driven over Polk County roads in a year. The fuel consumed by those tractor trailers, based on an average of 6 to 7 miles per gallon would be 11,000 to 15,000 gallons of diesel fuel burned in Polk County each year. Mr. McDonald indicated the informational sheet stated the plant would only generate an amount of pollutants equal to three SUV's each driven about 14,000 miles per year, but they also need to account for the trucks bringing the biofuel in to the plant.

Henry Suderman stated he was all for the plant, but his concern was how they would get enough material to supply it. He noted as far as the number of trucks was concerned, Dallas lost a lot of truck traffic going to the mill, so that shouldn't be a real problem.

Larry Irion indicated he had some questions the Council might want to consider. He asked if the gas would generate heat for steam to run turbines and if there would be large amounts of water required. He wondered if that turned out to be the case, where the water would come from. Mr. Irion added that Weyerhaeuser had water rights to Rickreall Creek. He indicated a cooling system would return hot water to the creek and asked how that would affect the creek downstream. Mr. Irion stated the storage tanks for the gas would have to be large and asked if

1 they would technically be bombs, as they had been known to blow up. Mr. Irion indicated
2 concern about the need for high tension power lines to carry the power away from the plant. He
3 asked the Council to please consider all of his questions.

4 Woody Boston expressed his concern about the plant being a stone's throw away from a high
5 school and an elementary school. He stated kids were there for an education and with the
6 commotion going on, they would not be able to concentrate. He also asked what types of fumes
7 the students would be breathing.

8 **PUBLIC HEARINGS**

9 **PUBLIC HEARING ON A CDBG APPLICATION FOR A FOOD BANK IN DALLAS**

10 Council President Dalton stated they are still working on the opportunity for a food bank, but the
11 public hearing was cancelled for the night's meeting.

12 **CONSENT AGENDA**

13 Councilor Woods noted the Council Rules were a work in progress, so they would not be
14 addressed by the full Council for some time yet.

15 Councilor Shein asked to remove the November 15 Council minutes from the consent agenda.

16 It was moved by Councilor Lawson and seconded by Councilor Scroggin to approve the Consent
17 Agenda as presented with the minutes removed. The motion carried unanimously.

18 Approved by the Consent Agenda: a) acknowledge report of Nov. 22 Administrative Committee
19 meeting; and b) acknowledge report of Nov. 22 Building and Grounds Committee meeting.

20 **ITEMS REMOVED FROM CONSENT AGENDA**

21 **APPROVE NOVEMBER 15, 2010 CITY COUNCIL MINUTES**

22 Councilor Shein indicated that page 2, lines 45-46 of the minutes were not clear. He stated the
23 Mayor was talking about establishing the citizen committee and asked for the minutes to be
24 amended to clarify that point.

25 It was moved by Councilor Shein and seconded by Councilor Wilson to amend the minutes to
26 clarify that the Mayor was discussing the establishment of the citizen committee. The motion
27 carried unanimously.

28 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

29 Councilor Lawson indicated she had been privileged to be part of Ford Family Institute
30 Leadership Program and noted she participated in the state conference in Eugene. She stated it
31 had been very informative, adding she's learned excellent information and there have been many
32 great citizens getting involved. Councilor Lawson asked anyone interested in participating next
33 year to let her know. She stated participation in the program will put the City in better shape for
34 Ford grants in future.

35 Courtney Pope, Student Body Liaison, indicated the canned food drive received about 4,000 cans
36 of food. She added the Dallas High School seniors brought in the most cans, so they get a movie
37 night. She reported that the Christmas break would run from December 20 through January 3.
38 She also updated the Council on high school sporting events.

39 **REPORTS FROM CITY MANAGER AND STAFF**

40 **WATERSHED MANAGEMENT DISCUSSION**

41 Mr. Wyatt reviewed the staff report. He stated the watershed management proposals would be
42 looking at all activities that would impact our watershed and the amount of water the City could
43 store, noting the watershed was the sole source of water for the City. He indicated the RFP
44 would help the Council and staff look at management practices and would get the City more
45 involved in our Watershed. Mr. Wyatt stated the RFP would ask for in-depth analysis,
46 evaluation of existing resources, water quality and quantity, fish and wildlife habitat,

1 conservation methods, and recreational opportunities. He added he would be looking to form a
2 committee to evaluate the proposals once they were received.

3 It was moved by Councilor Lamb and seconded by Councilor Wilson to direct staff to issue the
4 request for proposals for Rickreall Watershed Management Proposals and report back to Council
5 for final approval after proposals have been reviewed. The motion carried unanimously.

6 CANVASS OF CITY ELECTIONS

7 Mr. Wyatt reviewed the staff report.

8 It was moved by Councilor Voves and seconded by Councilor Shein to accept the results of the
9 November 2, 2010, General Election. The motion carried unanimously.

10 2010 POPULATION ESTIMATE

11 Mr. Wyatt explained this was for information only. Councilor Shein asked how the census
12 folded into the population estimate. Mr. Wyatt indicated the City wouldn't receive census
13 numbers until the next year, probably in July.

14 RFP FOR BANKING SERVICES

15 Mr. Wyatt reviewed the staff report. Councilor Scroggin asked if all the banking services had to
16 go through one institution or if the City could use several. Mr. Wyatt stated the City's
17 investments and CDs were spread around to various banks, but the City checking account was
18 through one bank. Councilor Marshall asked if the City would only use banks, or if credit unions
19 or savings and loans were eligible. Mr. Wyatt indicated the RFP would be open to all financial
20 institutions. Councilor Voves recommended the City get all contracted services on a plan, such
21 as going out for an RFP every five years automatically. The consensus of the Council was to add
22 that topic to an Administrative Committee agenda in the next year.

23 It was moved by Councilor Voves and seconded by Councilor Shein to direct staff to issue the
24 request for proposals (RFP) for banking services and report back to Council for final approval
25 after the proposals are reviewed. The motion carried unanimously.

26 COUNCIL ORIENTATION PACKET

27 Mr. Wyatt reviewed the staff report. He indicated the orientation packet would be helpful for
28 existing and new Council members to review the various procedures, noting it was basic
29 information that was compiled into one place.

30 It was moved by Councilor Lawson and seconded by Councilor Wilson to approve the Council
31 Orientation Packet and distribute it to the Councilors. The motion carried unanimously.

32 CITIZEN COMMITTEE FORMATION DISCUSSION

33 Mr. Wyatt reviewed the staff report. He noted the committee would be formed strictly of
34 citizens with staff participating to facilitate the process. Councilor Voves stated the Council
35 received some very good comments earlier in the meeting and he hoped those people would at
36 least attend the committee meetings if they could not be members. He did urge citizens and the
37 Council to not get too far ahead since no application was made. Councilor Voves noted that if
38 they went off assumptions, it could take on a life of its own. Mr. Shetterly clarified that the
39 Council would appoint the citizen committee membership. Council President Dalton indicated
40 there was some discussion to rename the committee the Biomass Facility Citizens' Advisory
41 Committee.

42 It was moved by Councilor Marshall and seconded by Councilor Wilson to adopt the by-laws of
43 the Biomass Facility Citizens' Advisory Committee and direct staff to begin work to form the
44 committee. The motion carried unanimously.

45 PARK HOURS

46 Mr. Wyatt reviewed the staff report.

1 OTHER

2 **RESOLUTIONS**

3 **FIRST READING OF ORDINANCE**

4 **Ordinance No. 1732:** An Ordinance adding new provisions to Dallas City Code Chapter 5,
5 relating to truancy.

6 Councilor Wilson stated the ordinance talked about the police holding students for up to five
7 hours and asked if that would be a problem for staff. Mr. Shetterly indicated he talked about that
8 at length with Police Chief Teague and he was comfortable with that.

9 Council President Dalton declared Ordinance No. 1732 to have passed its first reading.

10 **SECOND READING OF ORDINANCE**

11 **OTHER BUSINESS**

12 The meeting was recessed at 7:47 p.m. for executive session to evaluate the City Manager.

13 Council President Dalton reconvened the Council meeting at 8:21 p.m.

14 It was moved by Councilor Woods and seconded by Councilor Shein that Mr. Wyatt's evaluation
15 be accepted and, in light of his excellent rating of 4.89 out of 5.00, the fact that he is still in the
16 middle of the compensation range established for his manager position when he was hired three
17 years ago, and the results of the compensation study referred to in the Governor's Reset Cabinet
18 report that says public and private sector compensation in Oregon will increase about 3% over
19 the next year, that his contract be adjusted to provide for an increase in base salary of 4%,
20 beginning December 1, 2010. The motion carried unanimously.

21 Council President Dalton thanked Councilor Lamb for his 20 years of service and Councilor
22 Shein for his four years of service.

23 Councilor Lamb stated it had been fantastic to meet with the various Council members over the
24 many years and noted each council showed a love for community and care for the future. He
25 indicated he hoped he could still be a part of things and help wherever he could.

26 Council President Dalton thanked Councilor Woods for his 28 years on the Council. He noted
27 Councilor Woods had very ably represented the City on the Transportation Committee in Salem
28 and served as Council President for many years. He added Councilor Woods' service was
29 remarkable.

30 There being no further business, the meeting adjourned at 8:26 p.m.

31 Read and approved this _____ day of _____ 2011.

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ATTEST:

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City Manager

Mayor

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 b	Topic: Council Appointment of Municipal Judge
Prepared By: Emily Gagner	Meeting Date: January 3, 2011	Attachments: <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Motion to reappointed Judge Ira Feitelson for another two-year term as the City Municipal Judge

BACKGROUND:

Based on Judge Feitelson’s performance as the municipal Judge over the past two years, and based on the evaluation reports received from the Councilors, I recommend that the City reappoints Judge Feitelson for another two-year term. The City Manager has spoken with Judge Feitelson and he is interested in being reappointed for another two-year term.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a	Topic: Council Committee Appointments / Reappointments
Prepared By: Emily Gagner	Meeting Date: January 3, 2011	Attachments: <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Motion to appoint members to the Planning Commission, Park Board, Budget Committee, Economic Development Commission, and Urban Renewal Advisory Committee as listed below.

BACKGROUND:

Dallas City Code 2.405 Planning Commission - Membership

The commission shall consist of seven members appointed by the council, not more than two of whom may be city officers serving as ex officio, nonvoting members. The commission members shall be residents of the city. The commission members shall receive no compensation, but shall be reimbursed for expenses authorized by the council.

New Appointment:

Replace Carrie Mendell with Paul Hostege

Replace Doris Stefani with David Shein

Dallas City Code 2.550 Park Board

The board shall consist of eleven persons appointed by the city council who shall serve at the pleasure of the city council. Not less than one member of the board shall be a member of the city council and not more than three members may be non-residents of the city. The term of office for each member is three years except that the term of office for the initial board members shall be one year for three members, two years for four members, and three years for four members.

Interested in reappointment: Chris Castelli, Sue Rohde

New Appointment:

Replace Rich Slack with Sandy Teal

Replace Todd Nelson with O'Landa Long

Replace Mellisa Spivey with Kevin Moen

Budget Committee

New appointment:

Replace Glen Scatterday with Darand Davies

Replace Tom Martin with Chris Bellamy

Dallas City Code 2.905 Economic Development Commission Membership

The commission shall consist of 15 members; one member shall be the mayor; four members shall be city councilors appointed by the council; five members shall be members of the Dallas

Chamber of Commerce appointed by the Board of Directors of the Chamber of Commerce; two members shall be nominated by the mayor and approved by the city council; two members shall be appointed by the Board of Directors of the Chamber of Commerce; and one member shall be appointed by and represent the Polk County Board of Commissioners. The city manager and chamber of commerce manager shall serve as ex-officio, nonvoting members. The commission members shall receive no compensation but shall be reimbursed for expenses authorized by the city council or city manager.

New appointment:

Replace Warren Lamb with LaVonne Wilson

Replace Ken Woods Jr. with Wes Scroggin

Replace Ron Dodge with Craig Pope

Replace Brian Dalton with Beth Jones

Urban Renewal Advisory Committee

New appointment:

Replace Ron Dodge with Mike Ainsworth

Replace Brian Dalton with LaVonne Wilson

Replace Ken Woods Jr. with Jim Fairchild

Add Joe Koubek, Rich Rohode, Terry Brumble, Richard Long

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3214

A Resolution establishing hours for Dallas City Parks.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. Except as provided in Section 2 of this resolution, all Dallas City parks shall be open for public use pursuant to Dallas City Code 5.426 from dawn to dusk each day.

Section 2. This resolution shall not apply to the Dallas Aquatic Center and the parking lot immediately adjacent thereto, the hours of which shall extend from before dawn to after dusk according to the posted hours of operation of the Dallas Aquatic Center.

Section 2. The City Manager is directed to post appropriate signs at city parks, giving notice of the hours established by this resolution.

Adopted: January 3, 2011
Approved: January 3, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1732

An Ordinance adding new provisions to Dallas City Code Chapter 5, relating to truancy.

Section 1. The following section is hereby added to and made a part of Dallas City Code, Chapter 5, "Public Protection," sub-part "Offenses Relating to Minors:"

5.228. Truancy.

(1) Except as provided in subsection (2), below, no minor between the ages of seven and 18 years shall be in or upon any street, highway, park, alley or other public place, during regular school hours on a day that school is in session.

(2) Subsection (1) shall not apply to any minor who is:

(a) Accompanied by a parent, guardian or other person over the age of 21 years who is authorized by the minor's parent or guardian to have the care and custody of the minor;

(b) Engaged in a lawful pursuit or activity authorized by the minor's parent or guardian or other person over the age of 21 years having the legal care and custody of the minor;

(c) Emancipated pursuant to ORS 419B.550 to 419.558;

(d) Excused or approved to be away from school according to the rules and policies of the school in which the minor is enrolled;

(d) Excused from compulsory school attendance under ORS 339.030 or excused from attending school pursuant to ORS 339.065, but not if such excuse is on account of expulsion or suspension.

(3) For the purpose of this section, "regular school hours" means those hours for the full-time school which the minor would attend in the school district in which the minor resides, on any day on which the school is in session.

(4) Wherever a police officer has reasonable grounds to suspect a minor may be in violation of subsection (1), above, the police officer may

contact the minor and make such investigation as may be necessary or appropriate to determine if the minor is in violation of subsection (1). If the officer determines the minor is in violation of subsection (1), the officer may take the minor into custody and deliver the minor to the minor's school principal or attendance supervisor, or their designees, or to the minor's parent or legal guardian. If the minor cannot be delivered to the minor's school principal or attendance supervisor, or their designees, or to the minor's parent or legal guardian, the minor may be delivered to another responsible adult upon authorization of the Polk County Juvenile Department or Oregon Department of Human Services, or held in the custody of the police officer until the minor's parent or legal guardian can take custody of the minor, but not longer than five hours or the end of the regular school day, whichever is less.

(5) Any parent, guardian or person having the care and custody of any child between the ages of seven and 18 who has not completed the twelfth grade shall take reasonable steps to prevent such child from violating this section, and shall further send such child to and maintain such child in regular attendance at a public school during the entire school term or comply with the exemptions set forth in ORS 339.030 and 339.035 and the state regulations adopted thereunder, as they may be amended from time to time.

(6) Violation of this section upon a first and second offense shall constitute a civil infraction. Violation of this section upon a third and subsequent offenses shall constitute a Class C misdemeanor.

Read for the first time: December 6, 2010
Read for the second time: January 3, 2011
Adopted by the City Council: January 3, 2011
Approved by the Mayor: January 3, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER